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Tribal Constitutionalism: States, Tribes, and the Governance of Membership. By Kirsty Gover.

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science as represented by the academic essays themselves—forms of knowledge that persistently overwrite and subordinate indigenous forms of knowledge production and history.

The collection of essays concludes with a direct engagement with questions of what comes next, what needs to be done, and what are the means to accomplish meaningful change. Pointing out that exposing the violence and its structures is only a beginning, and incorporating an elder's counsel to one of the editors that "it is not useful to appropriate the pain of others" (6), the final essays encourage readers to engage in transformative activism by whatever means available to them, be it through creative processes, academic engagement, or some form of political activism. By and large, the essays successfully expose the violence and its accompanying supporting structures, as well as those structures that obstruct efforts to end the violence and seek justice—however justice may be realized. Less successful is the effort to address the specific actions and contexts necessary for decolonization, leading, ultimately, to questions regarding what constitutes successful decolonization, and who makes that determination.

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Tribal Constitutionalism: States, Tribes, and the Governance of Membership. By Kirsty Gover. New York: Oxford University Press, 2011. 320 pages. \$100.00 cloth.

Membership and territory are foundational ways that political groups distinguish themselves from other groups. For indigenous communities worldwide, these criteria are problematic, particularly membership. In the United States, the federal government legally defines Indian status, and individual tribes define tribal membership. While one would assume that all tribal members are "Indian," the two categories are imperfectly aligned. Generally, tribal members hold federal Indian status, but several federal programs and departments use unique definitions to regulate Indian status for their own purposes. As a result, according to certain federal programs it is possible for a person to be a tribal member but not legally an Indian; similarly, it is possible for a person to qualify as an Indian legally and not be a tribal member.

This discrepancy between tribal and federal definitions leads to significant negative consequences. Not only is administration of judicial, medical, and educational services inconsistent, but overly specialized areas of law and policy add to the overall confusion of the public. Until recently, a strong empirical

study investigating tribal membership laws has been absent from the field of tribal law and policy, and existing scholarship has only lightly investigated this topic. Fortunately, Kirsty Gover's book, *Tribal Constitutionalism: States, Tribes, and the Governance of Membership*, fills this void. A senior lecturer at Melbourne Law School, Gover directs the Law School's Comparative Tribal Constitutionalism Research Program. This is her first book on the subject, although Gover has published several articles regarding tribal membership practices.

In *Tribal Constitutionalism*, Gover provides the first comprehensive study of tribal constitutions, codes, practices, and governance of formal membership within the United States, representing 245 of the existing 337 federally recognized tribes in the continental US. In sections that investigate similar practices in Canada, New Zealand and Australia, Gover compares the membership approaches of indigenous communities around the world by highlighting their similar experiences with settler societies. She explores an extensive collection of tribal law to determine commonly held membership-governance practices and the degree to which these practices align with current federal law definitions of Indian status, as well as larger topics, including federal obligations to nonmember Indians, the ancestral and political foundations of Indian status, and the definitions of Indian status compared to First Nation or Indigenous status, used by Australia, New Zealand, and Canada. The analysis in the final chapter includes the author's proposed adjustments to federal law definitions of Indian status to effectively acknowledge tribal understandings of "Indian."

Gover's analysis of tribal membership practices in the United States is a significant contribution to the field. The second and third sections of chapter 1 introduce the reader to perhaps the most fascinating and valuable aspect of Gover's research, her comparative analysis of tribal and federal perspectives of "Indian," which is then referenced throughout the book. Gover finds that the vast majority of tribal law conveys a consistent perspective of Indian and tribal membership that places Indian status as an overarching category of Indian that includes both members and nonmembers of federally recognized tribes. She first explains that while descent is a major factor in determining membership, many tribes outline exceptions to this practice, with some tribes allowing membership to non-descendants and other tribes disallowing membership to certain descendants. For example, the discussion of tribal adoption practices shows that the majority of tribes specifically allow for adoptions, with only three tribes explicitly prohibiting the practice. Tribal criteria for adoptees regularly stipulate that desired applicants be Indian, a term that is regularly referenced throughout tribal codes and constitutions. As Gover points out, tribes reference a virtually uniform definition of Indian that clashes with

federal definitions of Indian status, which is nearly exclusively limited to tribal members.

Gover suggests that the United States' approach of essentially borrowing tribal membership guidelines to define the legal category of Indian inadequately limits the category, which is intended to be larger in scope. In arguing the importance of expanding the definition of Indian status to non-member Indians who would be recognized by tribes as Indian, the author shows that because tribal law supports a larger Indian community that encompasses nonmember Indians, the federal category is in conflict with tribal law and threatens that larger community. Notably, an expanded definition would arguably protect Indian status for individuals with ancestral ties to multiple tribes but who do not satisfy the membership criteria for any individual tribe. Ultimately, Gover suggests that her audience consider the role of the federal government in acknowledging Indians, both members and nonmembers, which will certainly become even more of a pressing issue in generations to come.

Overall, *Tribal Constitutionalism* is extremely informative, clear, and well written. Gover succeeds in articulating a particularly confusing research topic and her findings to her audience. Her exploration of tribal membership practices and the historic federal understandings of Indian and tribal members, with all of the many exceptions, is expertly thorough, and supports the research of students and scholars interested in tribal membership and governance, particularly those investigating the tribal and federal legal frameworks surrounding nonmember Indians. Her presentation of tribal trends in membership practices makes her work a truly valuable contribution to the field.

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The Turquoise Ledge: A Memoir. By Leslie Marmon Silko. New York: Penguin Group, 2010. 336 pages. \$16.00 paper.

A memoir of place, Leslie Marmon Silko's *The Turquoise Ledge* evokes the earth-focused loveliness of her earlier reflective prose (*Yellow Woman and a Beauty of the Spirit*, *Sacred Water* (prose poems), *The Delicacy and Strength of Lace*, and *Storyteller*). In a departure from her earlier prose, however, after part one the people in her life are seldom mentioned, since, as she states in the preface, her intention was not "to write about others but instead to construct a self-portrait" (1). In this sometimes quirky, occasionally obsessive narrative, Silko is inspiringly in love with creatures and objects that live with and around